

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 JOSHUA D. LAMBERT,

9 Plaintiff,

Case No. C19-1829-BJR-MAT

10 v.

ORDER TO SHOW CAUSE

11 ROBERT S. McKAY, *et al.*,

12 Defendants.

13
14 This is a civil rights action brought under 42 U.S.C. § 1983. On February 3, 2019, this Court
15 issued an Order directing the Clerk to serve plaintiff's complaint on eight named individual
16 defendants including Jose Briones, Lt. Becker, Lt. Bingham, Sgt. Wright, Mary Kaye Weller,
17 Chalice Bailey, and Sgt. Piechowski. (*See* Dkt. 7.) The service packets mailed to these individuals
18 were presumably received as the packets were not returned to the Court. However, to date, these
19 individuals have not returned the waivers of service of summons which were included in their
20 service packets.¹

21
22 ¹ The Court notes that counsel has appeared and filed an answer on behalf of these defendants. (*See* Dkts.
23 12, 13.) However, among the affirmative defenses asserted in defendants' answer is that these defendants were not properly served. (*See* Dkt. 13 at 30.) Plaintiff, in response to this assertion, has filed a motion asking that the United States Marshal be directed to serve these defendants. (Dkt. 15.) The Court must clarify and resolve any service issues before this action moves forward as to these defendants.

1 Accordingly, the Court hereby ORDERS as follows:

2 (1) Defendants Jose Briones, Lt. Becker, Lt. Bingham, Sgt. Wright, Mary Kaye Weller,
3 Chalice Bailey, and Sgt. Piechowski shall SHOW CAUSE within *twenty-one (21) days* why the
4 Court should not direct that they be personally served and why the cost of such personal service
5 should not be assessed pursuant to Rule 4(d)(2) of the Federal Rules of Civil Procedure.

6 (2) Plaintiff's motion asking that the United States Marshal be directed to serve the
7 defendants who have not returned their service waivers (Dkt. 15) is STRICKEN as premature.
8 Once defendants have had an opportunity to respond to this Order, the Court will determine
9 whether personal service is necessary.

10 (3) The Clerk is directed to send copies of this Order to plaintiff, to all counsel of
11 record, and to the Honorable Barbara J. Rothstein.

12 DATED this 19th day of March, 2020.

13
14 
15 Mary Alice Theiler
16 United States Magistrate Judge
17
18
19
20
21
22
23